



Town of Discovery Bay

"A Community Services District"
AGENDA REPORT

Meeting Date

November 2, 2016

Prepared By: Catherine Kutsuris, Interim General Manager
Submitted By: Catherine Kutsuris, Interim General Manager

Agenda Title

Adoption of Resolution No. 2016-17 Conflict of Interest Code Amendment for 2016.

Recommended Action

Adoption of Resolution No. 2016-17 amending the Conflict of Interest Code to reflect the change to the Designated Positions Title change and inclusion of Recreation Programs Supervisor.

Executive Summary

On a Biennial basis, the Board of Directors of the Town of Discovery Bay CSD is required to review the Conflict of Interest Code to determine if it is necessary to amend. After a review of the existing Code the following changes (in addition to a number of non-substantial changes recommended by Legal Counsel) are proposed:

- Designated Positions Title change and inclusion of Recreation Programs Supervisor
- Addition of "Consulting Engineers"

All other portions to the existing code, as adopted in August, 2014, remains in effect.

The Draft amended Conflict of Interest Code is attached.

Fiscal Impact:

Amount Requested \$N/A

Sufficient Budgeted Funds Available?: (If no, see attached fiscal analysis)

Prog/Fund # Category: Pers. Optg. Cap. -or- CIP# Fund#

Previous Relevant Board Actions for This Item

Attachments

Amended Conflict of Interest Code
Resolution No. 2016-17 for the Conflict of Interest Code Amendment for 2016



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



President – Bill Pease • Vice-President – Robert Leete • Director – Kevin Graves • Director – Mark Simon • Director – Chris Steele

CONFLICT OF INTEREST CODE FOR THE

TOWN OF DISCOVERY BAY COMMUNITY SERVICE DISTRICT

(Amended November 2, 2016)

The Political Reform Act, Government Code Section 81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code which. ~~It~~ can be incorporated by reference in an agency's code. ~~and~~ The standard code may be amended by the Fair Political Practices Commission, after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and, ~~along with~~ the attached Appendix in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the Town of Discovery Bay Community Service District.

Designated members and employees shall file statements of economic interests with the Town of Discovery Bay Community Service District. The statements will be available for public inspection and reproduction. (Gov. Code Section 81008).

APPENDIX

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Directors	All
General Manager	All
Water and Wastewater Manager	All
Parks & Landscape Recreation Manager	All
Finance Manager	All
<u>Recreation Programs Supervisor</u>	<u>All</u>
Attorney	All
Consultants <u>Consulting Engineers*</u>	All

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The President of the Board may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and this is not required to fully comply with the disclosure requirements described in this section. Such a written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The President's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

DISCLOSURE CATEGORIES

~~1.~~ **All** investments and business positions in business entities, and all sources of income and interests in real property as set forth below ~~that are required to be disclosed in the annual statement required in Government Code Section 87302.~~ This category is known as full disclosure.

~~2.1.~~ Investments in or income from persons or businesses engaged in the business of providing service or supplies, including, but not limited to, equipment; machinery, or office supplies, to the Town of Discovery Bay Community Services District, or could foreseeably provide services or supplies to the Town of Discovery Bay Community Services District

~~3.2.~~ Interests in real property located in whole or in part within the boundaries of the Discovery Bay Community Services District, or within a two-mile radius of the Town of Discovery Bay Community Services District, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property if the fair market value of the interest is greater than \$2,000.00 ~~that are required to be disclosed in the annual statement required in Government Code Section 87302.~~

~~4.3.~~ Business positions, including, but not limited to, status as a director, officer, sole owner, partner, trustee, employee, or holder of a position of management in any business entity which, in the prior two years had contracted with, or in the future may contract with, the Town of Discovery Bay Community Services District to provide services or supplies to the Town of Discovery Bay Community Services District.

~~5.4.~~ Gifts received from any single source or person with a single gift value more than \$50 as well as gifts with a cumulative total of \$420 or more received in a 12 month period, as well as gifts required to be disclosed in the annual statement required in Government Code Section 87302.



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2016-17

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,
AMENDING THE CONFLICT OF INTEREST CODE FOR 2016**

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000 et seq., and Government Code Section 87311 requires state and local government agencies to adopt and amend a Conflict of Interest Code as necessary; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation found at California Code of Regulations, Title 2, Section 18730, which contains the terms of a standard Conflict of Interest Code which may be adopted by reference; and

WHEREAS, it is necessary to amend the Conflict of Interest Code to reflect the current positions.

NOW THEREFORE, BE IT RESOLVED that the Board of Director amends the Conflict of Interest Code as set forth in the attached Conflict of Interest Code.

PASSED, APPROVED AND ADOPTED THIS 2ND Day OF NOVEMBER, 2016.

William Pease
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on November 2, 2016, by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Catherine Kutsuris
Board Secretary